

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

RADOSLAV DIMITRIC	§	
	§	
VS.	§	CIVIL ACTION NO. G-06-107
	§	
TEXAS A&M UNIVERSITY, ET AL.	§	

OPINION AND ORDER

Before the Court is a Report and Recommendation from the United States Magistrate Judge dated October 20, 2006, which recommends that “Defendant’ s Partial Motion to Dismiss Plaintiff’ s First Amended Complaint” (Instrument no. 34) be granted in part and denied in part. Plaintiff, Radoslov Dimitric, has filed timely objections.

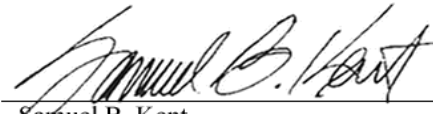
Upon *de novo* review, pursuant to 28 U.S.C. § 636(b)(1)(C), this Court finds that the Report and Recommendation (Instrument no. 50) of the United States Magistrate Judge is a well reasoned and correct application of law and equity to the facts of this case and it is, therefore, **ACCEPTED** by this Court in its entirety and incorporated by reference herein.

It is, therefore, the **ORDER** of this Court that Dimitric’ s claims asserted under under the Age Discrimination in Employment Act, the Texas Whistleblower Act, and the Texas Commission on Human Rights Act are **DISMISSED** in their entirety; that Dimitric’ s claims of intentional infliction of emotional distress are **DISMISSED**; that Dimitric’ s claims under Title VII asserted against the individual Defendants are **DISMISSED**; and that Dimitric’ s defamation claims against Texas A&M University System and Texas A&M University-Galveston and the individual Defendants in their official capacities are **DISMISSED**.

It is the further **ORDERED** that the remainder of the Defendants' Motion (Instrument no. 34) insofar as it seeks dismissal of Dimitric' s numerous claims under 1983 and his claim under the Equal Pay Act is **DENIED**.

Dimitric' s request that this action be certified for immediate appeal is **DENIED**; this case does not involve a controlling question of law as to which there is a substantial ground for differences of opinion such that an interlocutory appeal would materially advance the ultimate determination of the litigation. See 28 U.S.C. § 1292(b)

DONE at Galveston, Texas, this 1st day of December, 2006.



Samuel B. Kent
United States District Judge